

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS  
C.A. No. 04-11836RCL

)  
TRANS-SPEC TRUCK SERVICE, INC. )  
D/B/A TRUCK SERVICE, )  
)  
Plaintiff )  
)  
vs. )  
)  
CATERPILLAR, INC., )  
)  
Defendant )  
)

AUDIOVISUAL DEPOSITION OF JOSEPH M. HOWARD, JR., a witness called on behalf of the Defendant, pursuant to Massachusetts Rules of Civil Procedure, before Susan E. Wilson, Registered Professional Reporter and Notary Public in and for the Commonwealth of Massachusetts, at the Law Offices of Campbell, Campbell, Edwards & Conroy, One Constitution Plaza, Boston, Massachusetts, on Tuesday, May 3, 2005, commencing at 9:43 a.m.

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1                   though. I really think it happened  
2                   after that.

3                   Q. Then, as I understand it, in the year  
4                   2001, there were two or three of these  
5                   trucks that had a flywheel housing  
6                   problem?

7                   A. Yes.

8                   Q. Is that consistent with your memory?

9                   A. Yes.

10                  Q. In the year 2001, were those flywheel  
11                  housing problems brought to your  
12                  attention?

13                  A. Yes.

14                  Q. Did you bring them to the attention of  
15                  anyone at Southworth-Milton or anyone at  
16                  Caterpillar?

17                  A. Harry Calderbank.

18                  Q. What did Harry say?

19                  A. Where do you want to get it fixed.

20                  Q. Did he say anything else?

21                  A. No.

22                  Q. Those problems were fixed under  
23                  warranty, correct?

24                  A. Yes.